

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

# FOOD NOT BOMBS HOUSTON, BRANDON WALSH

## Plaintiffs

V.

**THE CITY OF HOUSTON, TEXAS,**

## Defendant

§§§§§

**C.A. No. 4:24-CV-00338**

**Consolidated with**

**PHILLIP PICONE,**

## Plaintiff

**V.**

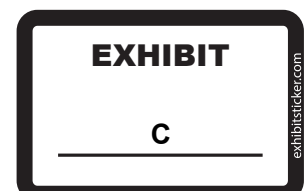
**OFFICER A. ANCIRA, *in his***  
***Individual capacity*, and THE CITY OF**  
**HOUSTON, TEXAS,**

## Defendants

§

**C.A. NO. 4:23-CV-1206**

**Judge Andrew Hanen**



**AFFIDAVIT OF JENNIFER LYNN KENNEDY**

**STATE OF TEXAS                   §**  
**§**  
**COUNTY OF HARRIS           §**

BEFORE ME, the undersigned authority, on this day personally appeared Jennifer Lynn Kennedy, Captain, Houston Police Department for the City of Houston, who, being first duly sworn, upon her oath, deposed and said:

“My name is Jennifer Lynn Kennedy. I am employed as Captain, Houston Police Department for the City of Houston. I am over the age of eighteen (18) years, of sound mind and capable of making this affidavit. I have never been convicted of a felony or a crime involving moral turpitude. I have personal knowledge of the facts stated herein, and I am fully qualified to make this affidavit.

Since July 1, 2012, Houston has implemented and followed its Charitable Feeding Ordinance that establishes a voluntary program to coordinate outdoor food service operations for those in need, including persons experiencing food insecurity and homelessness. The intent of the ordinance was three pronged: (1) to improve the quality, quantity, and distribution of food provided outdoors; (2) to expand the opportunities for the homeless to connect with service providers; and (3) to reduce the disproportionate environmental impact of food service operations on public and private property. Houston provides food handling training free of charge to food service organizations. Classes are conducted on the third Saturday of each month through virtual training from 12-2 p.m., beginning August 2020. Registration instruction and information are listed on the HHD website. Participation in the charitable food service program is voluntary and only mandatory step is the requirement to obtain owner consent before using either public or private property for food service of more than five people.

Houston’s focus on providing housing to persons experiencing homelessness along with food and basic necessities came with Houston’s adoption of the Way Home model in 2011. Instead of just providing food, Houston wanted to be able to provide stable housing so that individuals could have a home of their own and eat in their own kitchen. Organizations such as the Coalition for the Homeless and SEARCH homeless services could build relationships with persons experiencing homelessness and provide them with the resources they need to get into the housing pipeline, ultimately reducing the number of people that need food on the street. Mayor Whitmire’s goal is to end street homelessness in Houston.

Adequate trash containment to contain all trash, refuse, and litter on the site of each charitable food service event has been a hallmark of the charitable food service program from its inception. Under the current regulations of the Houston Health Department, any charitable food service providers seeking to provide food on City property must have adequate trash receptacles, trash containment and removal measures to contain all trash, refuse, and litter on the site of the food service event and to properly dispose of all trash, refuse, litter and remove unused foods from the site at the conclusion of the food service event.

In early 2016, the synthetic marijuana drug called Kush permeated the City including the population of persons experiencing homelessness and there was a noticeable increase in use of Kush in the homeless population. Many of the Kush users would attend the charitable feeding events high on Kush and create a disturbance at the event. Kush use led to lots of issues at the parks. As a result, charitable feeding events were canceled at the parks due to the City's serious concerns that it could no longer safely host charitable feeding events on park property. The Rapid Rehousing program began in 2016. The City made an effort to collaborate with organizations conducting the feedings to offer housing services along with the feedings.

I transferred to the Downtown Division of the Houston Police Department in March 2021, where I became personally familiar with the implementation of the charitable feeding ordinance. In 2022, the City experienced an increase in several different types of violent incidents at the Downtown Central Library. I had to pull naked men out of the bathroom inside the Downtown Central Library because they were showering in the sinks there. I have apprehended individuals experiencing homelessness having sex in the bathrooms and in the back corners of the library. Individuals also have been found using drugs inside the library, threatening library staff members inside the library under the influence of drugs and/or alcohol, and possessing weapons inside the library.

In 2022, outside the library, individuals under the influence of intoxicants were in the Downtown Central Library Plaza harassing the security guards. Individuals lined up for charitable feeding would pull up pieces of historic bricks that are no longer being made along the sidewalk to place them as markers to hold their place in line for the feedings. I have read incident reports regarding individuals throwing rocks at cars exiting the Central Library parking garage in the early evening in June 2022, causing property damage. I have also seen and have read incident reports that some individuals have sat down on the sidewalk or placed their belongings on the sidewalk, blocking pedestrian access. I am aware that individuals waiting for charitable feedings outside the Downtown Central Library urinated or defecated on the side of the building or on a tree in the area.

As a result of the increased violence in October 2022, Houston Police Officer presence increased at the Downtown Central Library. Metal detectors were installed. The library hired Houston Police officers to work for an overtime program that was funded directly by the library's budget. Additional Houston Police officers were also requested for scheduled events. The enhanced security reduced the instances of violence at the library and I received positive feedback in November and December 2022 from staff members who felt safer and more secure knowing police officers were on the premises, able to assist and respond to any incidents. I have personal knowledge of the City's financial records calculating the cost of overtime law enforcement personnel. The cost of providing extra security to the Downtown Central Library is significant. As of August 2023, three senior police officers and one sergeant working 2 hours of overtime cost \$450. Sergeants earned \$75.00 per hour in 2023. Senior officers earned \$65 per hour in 2023. As part of my administrative duties as a Houston Police Captain, I prepare the budget for the Houston Police officers that provide extra security at the Downtown Central Library. The cost is over \$2,000 per week for 4 feeding events per week.

In February 2023, Houston installed signs on the premises of the Downtown Central Library indicating charitable feeding was no longer allowed at that location and that charitable feeding was welcomed at a new City-owned location—61 Riesner. Food Not Bombs volunteers and others were warned verbally and in writing that feedings would no longer take place at the Downtown Central Library and were instructed to move operations to the new location at 61 Riesner Street. Houston Police Officers offered assistance including shuttle transportation for those willing to move charitable feeding operations to 61 Riesner Street. By moving operations to 61 Riesner, Food Not Bombs volunteers would not have to serve different food, serve a different constituency, or make any change to signage on their t-shirts or any other signage.

Food Not Bombs volunteers refused to relocate feeding operations to 61 Riesner Street. After March 2023, when any group expressed an interest in conducting charitable feeding at the Downtown Central Library, Houston Police officers warned them they would be in violation of the charitable feeding ordinance by doing so. After written warnings were given, and feeding of more than five people took place in violation of the charitable feeding ordinance, citations were issued to the representative designated to receive the citation that evening. Where appropriate, Class C misdemeanor citations were issued from March 2023 through February 14, 2024 at the Downtown Central Library for those conducting charitable feeding despite receiving verbal and written warnings to move to a different location. No person has been arrested for conducting charitable feeding at the Downtown Central Library to my knowledge.

On occasion individuals receiving the food have assaulted the food providers, resulting in an assault citation and a felony warrant arrest. In addition, on February

2025, Food Not Bombs was asked to move its operations off the wheelchair ramp at the Julia Ideson Building at the Downtown Central Library and refused to do so, causing a disturbance. Food Not Bombs volunteers got into an altercation with a library staff member and Houston Police Officers had to address the disturbance.

The location Houston has designated for charitable feeding at 61 Riesner is a half-mile walk from the Downtown Central Library, where organizations other than Food Not Bombs were conducting charitable feeding. There are no mobility issues with any of the sidewalks from the Downtown Central Library to 61 Riesner and there are no safety concerns. The sidewalks from McKinney along Bagby to Capital Street are new and well-lit. The only intersection that would have to be crossed is a protected intersection frequented by individuals going to the Hobby Center. The 61 Riesner location is in close proximity to Bayou Place which is a location frequented by many of the individuals participating in the feeding. The 61 Riesner location is also close to the Beacon, another major provider of services supporting the homeless downtown.

The 61 Riesner location complies with the current Houston Health Department regulations for adequate parking, sanitation and trash containment. At 61 Riesner, Houston provides not only the minimum of ten parking spots, trash can receptacles, porta potties, and handwashing stations, but also has electrical outlets available for people to use during charitable feeding events. Portable lighting is available, event security is nearby, and police officers keep the peace, ensuring the safety of the volunteers, those receiving a meal, and the general public.

Food Not Bombs Houston's feeding events caused concerns that individuals are not conducting themselves in a peaceful manner. In February 2025, Food Not Bombs volunteers were blocking the handicap access ramp to the Julia Ideson building at the Downtown Central Library. Library special events staff asked Food Not Bombs volunteers to move off the wheelchair ramp at the Downtown Central Library and they refused, leading to a disturbance and altercation with the library staff. On one occasion, Food Not Bombs volunteers eventually agreed to move. The ongoing safety issue stems from Food Not Bombs' continued use of the ramp while other events are occurring and the continued refusal to remove until an officer arrives on scene, thereby delaying any person with a wheelchair or mobility issue from possibly exiting the building. As of February 14, 2025, it is my understanding that Food Not Bombs Houston has agreed not to use the ramp outside the Julia Ideson Building during its feedings.

I have seen extensive media posts by Brandon Walsh's screen printing, merchandise fulfillment and filmmaking business Punk With A Camera and Food Not Bombs Houston on platforms such as Reddit, Facebook, YouTube, Instagram, ABC13, and other social media platforms. One video from Punk With A Camera called "End the Criminalization Of Food Sharing In Houston" had 1,800 views one



year ago. See <https://www.youtube.com/watch?v=X0szUJNh1Ys>. Food Not Bombs Houston has ample alternative channels for communication in addition to in-person, face to face communication at a feeding event.

The following documents are incorporated herein by reference:

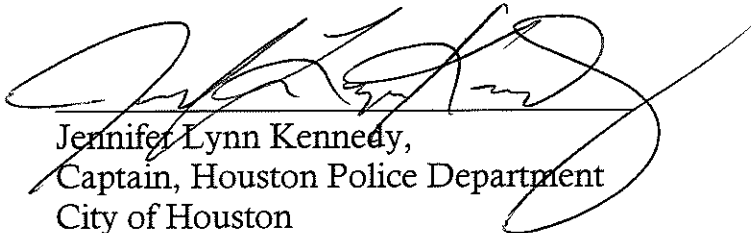
- Exhibit C(1)** Article V. Charitable Food Services Ordinance [COH 000009-11] (Exhibit 5);
- Exhibit C(2)** Charitable Feeding Regulations [COH 000012-16] (Exhibit 31);
- Exhibit C(3)** Houston Health Department City of Houston Charitable Food Services Guidelines [COH 008219-20] (Exhibit 41);
- Exhibit C(4)** Email from Christopher Sparks to David Opheim dated February 9, 2023 re: updates to HHD website [COH 110287-92] (Exhibit 42);
- Exhibit C(5)** Photo of Notice installed at Library [COH 000001-2] (Exhibit 18);
- Exhibit C(6)** Memo from Dr. Rhea B. Lawson to Walter Hambrick, Mayor's Office dated August 10, 2022 re: feedings and the problems they cause continue unabated [COH 084996-97];
- Exhibit C(7)** City of Houston's Objections and Answers to Plaintiff's First Set of Interrogatories dated January 26, 2025 (Exhibit 21);
- Exhibit C(8)** COH First Amendment Expression—Tranquility Park [COH 001018];
- Exhibit C(9)** Email from Patrick Key to Graciana Garces dated January 2, 2013 re: update on first 6 months of ordinance [COH 001579-81];
- Exhibit C(10)** Email from Patrick Key to James Koski dated January 23, 2015 re: Charitable Feeding discussion points [COH 002138-40];
- Exhibit C(11)** Email dated January 22, 2015 re: measurable reduction in trash after passage of ordinance in 2012 [COH 002125-26];

- Exhibit C(12)** Email dated February 11, 2015 from Joe Turner re Harris County formally denied any further feeding at James Bute Park [COH 002198];
- Exhibit C(13)** Email dated November 16, 2015 re: removal of addresses no longer approved for feeding from HHD website [COH 003065];
- Exhibit C(14)** Email dated March 25, 2016 from Carolyn Gray to citizen re: trash complaints at Peggy's Point Plaza Park [COH 003959-60];
- Exhibit C(15)** Email dated March 31, 2016 from Rubi Longoria to citizen re Peggy's Point Plaza Park [COH 003979-81];
- Exhibit C(16)** Email dated July 8, 2016 from Joe Turner to Rubi Longoria re drug use, Purple Kush and homeless initiatives re: how best to provide services to those in need, not just feedings [COH 11863-64; COH 048066-67] (Exhibit 22);
- Exhibit C(17)** Email dated September 13, 2016 from David McCoy re: drug use, Purple Kush [COH 025692-93] (Exhibit 34);
- Exhibit C(18)** HHD complaint about conditions outside Downtown Central Library, urine and feces as of April 3, 2020 [FNB010387-89];
- Exhibit C(19)** Email from Saima Kadir to Dr. Lawson dated January 9, 2023 re: trash, rocks, and food waste outside Downtown Central Library [COH 091789-92] (Exhibit 8);
- Exhibit C(20)** Photos of trash and bricks to hold place in line (Exhibit 9);
- Exhibit C(21)** Email from Dr. Rhea Lawson to Mayor Sylvester Turner dated November 5, 2021 re: destruction of property, trash, food remnants, rodent infestation and human waste at Downtown Central Library [COH-089759];
- Exhibit C(22)** Email re: knife incident at Downtown Central Library [COH 110561-72] (Exhibit 7);
- Exhibit C(23)** Photo of knife [COH 112774-76];

- Exhibit C(24)** Incident report dated June 28, 2022 re: man throwing bricks at vehicles leaving Central Library Parking Garage [COH 112963-65];
- Exhibit C(25)** Incident report dated June 28, 2022 re: man throwing rock at vehicle leaving Central Library Parking Garage, shattering passenger window [COH 112960-62];
- Exhibit C(26)** Email from Brian Crimmins dated February 28, 2023 re: notice signs [COH 110561];
- Exhibit C(27)** Social media posts on YouTube, Facebook, and Houston Food Not Bombs website; and
- Exhibit C(28)** Draft offense report dated February 7, 2025 re: harassing COH Public Library employee in person and on the telephone, posting of employee's private information on social media accounts Reddit and Instagram [COH 122174-80]; and
- Exhibit C(29)** Draft incident report dated February 7, 2025 re: harassing phone calls, verbal altercation over blocking emergency ramp; threats of rape, dragging behind a car, harassing phone calls [COH 122181-82] (Exhibit 30).

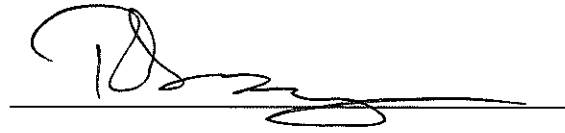
The attached documents are true and correct copies of documents kept in the regular course of municipal activities for the City of Houston, and it was in the regular course of municipal activities of the City for an employee or representative of the City with knowledge of the act, event, condition, or opinion recorded, to make the record or to transmit information thereof to be included in such record, and the record was made at or near the time or reasonably soon thereafter.

Further affiant sayeth not."

  
Jennifer Lynn Kennedy,  
Captain, Houston Police Department  
City of Houston



SUBSCRIBED AND SWORN TO BEFORE ME, by the said Jennifer Lynn  
Kennedy, on March 25, 2025.



Notary Public in and for  
the State of T E X A S

My commission expires:

11/01/26

